

# Senate Study Bill 3043 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

## A BILL FOR

- 1 An Act relating to violations by a health care facility.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.36, subsection 5, Code 2022, is  
2 amended to read as follows:

3 5. If a facility self-identifies a deficient practice prior  
4 to an on-site visit inspection, there has been no complaint  
5 filed with the department related to that specific deficient  
6 practice, and the facility corrects such practice prior to  
7 an inspection, no citation shall be issued or fine assessed  
8 pursuant to subsection 2 or 3 except for those penalties  
9 arising pursuant to section 135C.33; ~~481 IAC 57.12(2)(d)~~, ~~481~~  
10 ~~IAC 57.12(3)~~, ~~481 IAC 57.15(5)~~, ~~481 IAC 57.25(1)~~, ~~481 IAC~~  
11 ~~57.39~~, ~~481 IAC 57.11(3)~~ and (7), ~~481 IAC 57.16(3)~~, ~~481 IAC~~  
12 ~~57.32~~, ~~481 IAC 57.34(1)~~, ~~481 IAC 58.11(3)~~, ~~481 IAC 58.14(5)~~,  
13 ~~481 IAC 58.19(2)(a)~~, ~~481 IAC 58.19(2)(h)~~, ~~481 IAC 58.28(1)(a)~~,  
14 ~~481 IAC 58.43~~, ~~481 IAC 62.9(5)~~, ~~481 IAC 62.15(1)(a)~~, ~~481 IAC~~  
15 ~~62.19(2)(c)~~, ~~481 IAC 62.19(7)~~, ~~481 IAC 62.23(23)-(25)~~, ~~481 IAC~~  
16 ~~63.11(2)(d)~~, ~~481 IAC 63.11(3)~~, ~~481 IAC 63.23(1)(a)~~, ~~481 IAC~~  
17 ~~63.37~~, ~~481 IAC 63.8(3)~~, ~~481 IAC 63.27~~, ~~481 IAC 63.29(1)~~, ~~481~~  
18 ~~IAC 64.4(9)~~, ~~481 IAC 64.33~~ ~~481 IAC 64.33(2)~~, ~~481 IAC 64.34~~,  
19 ~~481 IAC 65.9(5)~~, ~~481 IAC 65.15~~, or ~~481 IAC 65.25(3)-(5)~~ ~~481~~  
20 ~~IAC 65.25(3)~~ and (4), or the successor to any of such rules;  
21 or 42 C.F.R. §483.420(d), 42 C.F.R. §483.460(c)(4), or 42  
22 C.F.R. §483.470(j), or the successor to any of such federal  
23 regulations.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill amends Iowa administrative code references for  
28 the purposes of the issuance of citations and assessment of  
29 fines by the department of inspections and appeals (DIA) for  
30 deficient practices of a health care facility.

31 The bill provides that if a facility self-identifies a  
32 deficient practice prior to an on-site visit inspection, there  
33 has been no complaint filed with DIA related to that specific  
34 deficient practice, and the facility corrects such practice  
35 prior to an inspection, no citation shall be issued or fine

1 assessed except for those penalties arising pursuant to certain  
2 specified Code or administrative code provisions.

3     The bill amends the current listing of Code and  
4 administrative code section reference with successor provision  
5 references relating to employee criminal record checks, child  
6 abuse checks, and dependent adult abuse checks in residential  
7 care facilities (481 IAC 57.11(3)); orders for medications  
8 and treatments in residential care facilities (481 IAC  
9 57.11(7)); notification of the primary care provider of any  
10 accident, injury, or adverse change in a resident's condition  
11 necessitating physician intervention in residential care  
12 facilities (481 IAC 57.16(3)); resident abuse in residential  
13 care facilities (481 IAC 57.32); fire safety in residential  
14 care facilities (481 IAC 57.34(1)); employee criminal record  
15 checks, child abuse checks and dependent adult abuse checks  
16 for specialty residential care facilities (481 IAC 63.8(3));  
17 resident abuse in specialty residential care facilities  
18 (481 IAC 63.27); fire safety in specialty residential care  
19 facilities (481 IAC 63.29(1)); separation of accused abusers  
20 and victims of dependent adult abuse in intermediate care  
21 facilities for the intellectually disabled (481 IAC 64.33(2));  
22 and residents' rights relating to allegations and reports of  
23 dependent adult abuse in intermediate care facilities for  
24 persons with mental illness (481 IAC 65.25(3) and (4)).